

Applicant : Yvette Marie Gordon, et al.
Serial No. : 09/293,011
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Attorney's Docket No.: 07442-009001

REMARKS

In reviewing the claims, Applicant notes that claims 70-72 have not been examined. These claims were introduced in a response filed on July 19, 2002, which was prior to the request for continued examination. These claims were properly referred to as being the required submission under 37 CFR 1.114. Applicant requests that the finality of this rejection be withdrawn so that these claims can be properly examined.

Applicant thanks the Examiner for the opportunity to conduct a telephone interview on September 9, 2003. As best understood from that interview, the Examiner considers the cache server 72 and the CMS 74 in *Burns* to be the first and second local servers recited in claim 1. The storage server of claim 1 would then map to the *Burns* content server 52. The content manager of claim 1 would then correspond to a processor within the cache server 72. The Examiner appears to consider the processor to be in communication with the cache server 72, which itself includes the very processor that is supposed to be doing the communication. In effect, the processor is considered to be in communication with itself.

As suggested by the Examiner, Applicant has amended the claims to recite the limitation that the content manager is separate from the local servers. This amendment overcomes the cited art because the processor within the *Burns* cache server 72 is not separate from the cache server itself.

The foregoing amendment should not be interpreted to mean that Applicant in any way agrees that *Burns* anticipates the claims as filed. Applicant believes that the Examiner's interpretation of "communication" is unreasonable because by definition, communication requires at least two separate entities. Rather than argue the point, Applicant amends the claims in an effort to bring the lengthy prosecution of this application to a close.

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No additional fees are believed to be due in connection with the filing of this response.
However, to the extent fees are due, or if a refund is forthcoming, please adjust our deposit
account 06-1050.

Please charge our deposit

Respectfully submitted,

Date: 9/9/03


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